

REMARKS

This application has been reviewed in light of the Office Action dated November 15, 2007. Claims 1-6 are presented for examination, of which Claim 1 is in independent form. Claims 1-5 have been amended to define still more clearly what Applicant regards as his invention. It should be noted that the only changes made are formal ones. Also, the abstract has been amended as to matters of form. Favorable reconsideration is requested.

In the Office Action dated November 15, 2007, Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,038,714 (Parulski et al.). However, from a careful review of the prior art of record, and of the analysis set out in the Office Action, Applicant believes that the rejection is actually based on U.S. Patent Application Publication 2007-0139526 (Parulski et al.).

Claim 1 is directed to an image input apparatus which is capable of directly transmitting a digital image to an image output apparatus. the claimed apparatus comprises an obtaining unit (e.g., 41 in Fig. 11, 911 in Fig. 10) configured to obtain, from the image output apparatus, capability information including information related to an image outputting function of the image output apparatus, and a user interface selector (e.g., 31 in Fig. 11; S1206, S1208, S1211, S1214 in Fig. 12) configured to select a user interface for controlling the image output apparatus, the selection being made based on the obtained capability information. Also provided is a display unit (e.g., 35 in Fig. 11) configured to display the selected user interface.^{1/}

^{1/} It is of course to be understood that the claim scope is not limited by the details of the
(continued...)

Parulski '526 relates to a digital camera 10 providing image processing for an attachable printer 30. The printer 30 stores variable parameters in a variable parameter table 46. If the digital camera 10 request and accepts the variable parameters from the printer 30, the camera 10 stores in a local parameter memory 22 of the camera 10. When an image in a volatile memory 14 of the camera 10 is selected for printing, an image processor 18 of the camera 10 processes the selected image using the parameters stored in the parameter memory 22. The processed image data is transmitted to the printer 30 to print the image (see paragraphs [0024] - [0025]).

The digital camera 10 displays a graphical user interface on a color LCD 332 of the camera 10. The graphical user interface is controlled by a user interface portion of the firmware stored in a program memory 16 of the camera 10 (see paragraphs [0033]).

The digital camera 10 of *Parulski* '526 does not, however, select the graphical user interface for controlling the printer based on the variable parameters obtained from the printer 30. The digital camera 10 controls the graphical user interface using the firmware stored in a program memory 16, not using variable parameters obtained from the printer 30.

Accordingly, Applicant believes that *Parulski* '526 does not teach or suggest "a user interface selector that selects, based on the capability information obtained by said obtaining unit, a user interface for controlling the image output apparatus" as recited in Claim 1.

^{1/}(...continued)
particular embodiments referred to.

Berkema relates to a portable device (PDA) that is able to obtain print data using a print device. The PDA 102 communicates with a print device and gets capabilities of the print device. Applicant submits that nothing has been found in *Berkema* that would teach or suggest selecting a user interface for controlling the print device, based on the capabilities obtained from the print device. Moreover, even if combined with *Parulski* '526 (and assuming for argument's sake that such combination would be a proper one), *Berkema* is not believed to teach or suggest such feature.

Accordingly, Applicant submits that Claim 1 is allowable over those documents.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

Claims 2-6 are each dependent from Claim 1, and are believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully

requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P. Diana/

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200